

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

V.

ELIAS GRAHAM,

Defendant.

No. 20-cr-156-RSM

ORDER ON DEFENDANT'S MOTION
TO CHANGE PLEA VIA REMOTE
HEARING

I. ORDER

The court has reviewed Mr. Graham's motion, the record in this matter, and the applicable law. Being fully advised and finding oral argument unnecessary, the court GRANTS Mr. Graham's motion as more fully described below.

II. ANALYSIS

The Federal Rules of Criminal Procedure make no provision for a defendant to enter a guilty plea except while in open court. See generally Fed. R. Crim. P. Due to the COVID-19

1 pandemic and the public health emergency, Congress enacted the Coronavirus Aid, Relief, and
2 Economic Safety Act (“CARES Act”), which provides that certain criminal proceedings may
3 proceed by video teleconferencing during the COVID-19 national emergency, including a guilty
4 plea in a felony case. See CARES Act § 15002. To do so, the Judicial Conference of the United
5 States first must find that the COVID-19 emergency will materially affect the functioning of the
6 federal courts generally or a particular court. Id. § 15002(b)(2)(A). It has done so. See
7 Administrative Office of the United States Courts, Judiciary News, Judiciary Authorizes
8 Video/Audio Access During COVID-19 Pandemic (Mar. 31, 2020),
9 [https://www.uscourts.gov/news/2020/03/31/judiciary-authorizes-videoaudio-access-during-](https://www.uscourts.gov/news/2020/03/31/judiciary-authorizes-videoaudio-access-during-covid-19-pandemic)
10 [covid-19-pandemic](https://www.uscourts.gov/news/2020/03/31/judiciary-authorizes-videoaudio-access-during-covid-19-pandemic).

11 On March 30, 2020, this court fulfilled the second requirement of the CARES Act for
12 permitting guilty plea hearings via video teleconferencing when it entered a finding “that felony
13 pleas under Rule 11 of the Federal Rules of Criminal Procedure and felony sentencings under
14 Rule 32 of the Federal Rules of Criminal Procedure cannot be conducted in person without
15 seriously jeopardizing public health and safety.” See GO 04-20 at 2; see also CARES Act §
16 15002(b)(2)(A).

17 Third, the CARES Act requires that the district court in the particular case must find “for
18 specific reasons that the plea . . . in that case cannot be further delayed without serious harm to
19 the interests of justice.” See CARES Act § 15002(b)(2)(A); see also GO 04-20. Accordingly, for
20 the reasons set forth in Mr. Graham’s motion, the court finds that the plea hearing in this case
21 “cannot be further delayed without serious harm to the interests of justice.” See CARES Act §
22 15002(b)(2)(A). Absent intervention, Mr. Graham would not be able to participate in a guilty
23 plea hearing until at least June 23, 2021, see GO 6-21 at 2. The delay in changing Mr. Graham’s
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1 plea would potentially delay his sentencing hearing beyond the period of incarceration being
2 sought by the government in the parties' plea agreement.

3 Accordingly, the court GRANTS Mr. Graham's motion to proceed with his guilty plea
4 hearing via video teleconference.

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6 **III. CONCLUSION**

7 Based on the foregoing analysis, and within the specific parameters set forth above, the
8 court GRANTS Mr. Graham's motion to proceed with a guilty plea hearing via video
9 teleconference.

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11 DONE this 4th day of June, 2021.

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14 RICARDO S. MARTINEZ
15 CHIEF UNITED STATES DISTRICT JUDGE
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